IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Bail Appl..No. 4439 of 2007()

CRIME NO. 769/07 OF KUNNAMKULAM POLICE STATION

PETITIONERS/ACCUSED

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1. MANIKANDAN, S/O.RAMAN NAIR,
   CHERIYEDATH HOUSE, CHOVANNUR,
   KUNNAMKULAM, THRISSUR DISTRICT.

2. BALAMANI AMMA, W/O.RAMAN NAIR,
   CHERIYEDATH HOUSE, CHOVANNUR,
   KUNNAMKULAM, THRISSUR DISTRICT.

3. MAHINDRAN, S/O.RAMAN NAIR,
   CHERIYEDATH HOUSE, CHOVANNUR,
   KUNNAMKULAM, THRISSUR DISTRICT.

4. SUMA, D/O.RAMAN NAIR,
   CHERIYEDATH HOUSE, CHOVANNUR,
   KUNNAMKULAM, THRISSUR DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION - THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4439 of 2007

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Dated this the 23rd day of July, 2007

O R D E R

Application for anticipatory bail. The petitioners are husband and relatives of the husband of the defacto complainant. They face allegations in a crime registered under Section 498A I.P.C. The crime has been registered on the basis of a private complaint filed before the learned Magistrate and referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage had taken place in 2003. The spouses are blessed with a child. The learned counsel for the petitioners submits that merely because of the strain in the matrimony, untenable allegations are raised to vex and harass the petitioners. Anticipatory bail may, in these circumstances, be granted to the petitioners, it is prayed.

3. The learned Prosecutor does not fairly oppose the application, but only prays that appropriate conditions may be imposed. Having considered all the relevant inputs, I reckon that as

an informed and fair stand taken by the learned Prosecutor. I am satisfied in the circumstances of this case that appropriate direction under Section 438 Cr.P.C. can be issued in favour of the petitioner. In coming to this conclusion I take note of the reality that if the petitioners were arrested and detained in custody, that would mar all possibilities of reconciliation of marital relationship.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 30.7.2007 at 11 a.m. The learned Magistrate shall release them on regular bail on condition that they execute bonda for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 31.7.07 and 1.8.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 30.7.06 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 30.7.2006 as directed in clause (1) above, they shall be released from custody on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 30.7.2007.

(R. BASANT)
Judge

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